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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 JOSHUA LEE REDDING,

8 Plaintiff,

9 v.

10 SNOHOMISH COUNTY JAIL, et al.,

11 Defendants.

Case No. 2:18-cv-01536-BJR

**ORDER DENYING MOTION TO  
RE-AMEND COMPLAINT, DKT.  
40**

12 On October 4, 2019, plaintiff filed a motion to Re-Amend Complaint. Dkt. 40. The motion  
13 states plaintiff “noticed that the Defendant may also be in violation of the 4<sup>th</sup> Amendment’s:  
14 objective reasonableness standard which prohibits ‘unduly tightening of handcuffs’ (Lyons v.  
15 City of Xenia).” *Id.*

16 The Court **DENIES** the motion. In *Lyons v. City of Xenia*, 417 F.2d 565, 575 (6th Cir.  
17 2005), police officers were investigating an alleged assault at the Dodd residence. Lyons was  
18 charged with obstructing, resisting arrest and assault. After a jury acquitted her, she filed a civil  
19 suit alleging the police use excessive force during her arrest. The Court of Appeals stated the  
20 Fourth Amendment “prohibits unduly tightening in the course of an arrest.” *Id.*

21 In contrast, this case does not involve actions taken by a police officer during an arrest.  
22 Rather this case involves the claim the defendant jail officer used excessive force against  
23 plaintiff, a pretrial detainee. For actions brought by pretrial detainees, such plaintiff, excessive

1 force claims arise under the Fourteenth Amendment's Due Process Clause. *See Kingsley v.*  
2 *Hendrickson*, 135 S. Ct. 2466, 2473 (2015) (A pretrial detainee must show force purposely or  
3 knowingly used against him was objectively unreasonable under the Fourteenth Amendment).  
4 The complaint herein already alleges violations of the "14<sup>th</sup> Amendment Rights Violations" and  
5 hence no further amendment is necessary to include this legal basis. *See* Complaint, Dkt. 4 at 3.

6 For these reasons, the Court **ORDERS**:

7 (1) The motion to re-amend, Dkt. 40 is **DENIED**. The Fourth Amendment does not  
8 apply to plaintiff's allegation; rather the Fourteenth Amendment applies and plaintiff's original  
9 complaint already alleges a violation of this Amendment.

10 (2) The Clerk shall provide a copy of this Order to the parties.

11 DATED this 7<sup>th</sup> day of October, 2019.

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14 BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge